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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,910	09/21/2001	Stephan Hartwig	004770.01183	2649
22907 7590 05/15/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2623				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/956,910

Applicant(s)

HARTWIG ET AL.

Examiner

ANNAN Q. SHANG

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 28, 36, 44, 53, 63, 74, 86, 92 and 94-148 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 28, 36, 44, 53, 63, 74, 86, 92 and 94-148 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/18/08 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15, 17, 28, 36, 44, 53, 63, 74, 86, 92 and 94-148 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action, i.e., claims 1-98 and 103-109 under 35 U.S.C. 103(a) as being unpatentable over **Hind et al (6,772,331)** in view of **Ellis et al (2005/0028208)** and claims 99-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hind et al (6,772,331)** in view of **Ellis et al (2005/0028208)** and further in view of **Steele et al (6,564,047)**, applicant amends claims and further argues the prior arts of record do not teach the amended claim limitations "...authenticating a second mobile phone with a first mobile phone..."(see page 15+ of Applicant's Remarks)

In response, Examiner disagrees. Examiner notes Applicant's Amendment/arguments, however, Hind discloses authentication process between a first mobile terminal and a second mobile terminal, as illustrated in various embodiments in figs.1-6 (col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42). Hind is silent to inhibiting certain functions of the first mobile so that the functions are no longer operable and further is silent as to where the second device is a mobile phone. However, Hind discloses in figure 3, notebook computers (NBCs), phones, etc., where these devices establishes secured wireless communication with each other using cellular modems or other wireless transceiver interfaces to communicate (LAN or WAN). Hence it would have been obvious to one skill in the art at the time of the invention to modify the system of Hind to established communication between pairs of NBCs, Phones, etc., where one authenticates the other to provide a secure network. The modification of Hind, fails is silent as to one device inhibiting some functions of the other device. However, **Ellis** discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 (PC, notebook PC, palmtop, handheld, touch screen remote, etc.,) transmits parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]). Ellis further discloses that the Ra-24 includes communication link 19, i.e., serial port, parallel port, modem (analog or digital, cellular modem, cable modem, etc., ([0086]) and further discloses that Ra-24, includes voice processor and speaker, etc., (features of a cellular phone, see ([0092], [0108-0109], [0114], [0122] and [0127])). Hence it would have been obvious to one skill in the art at

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the time of the invention to modify the system of Hind with the teaching of Ellis to provide a second mobile phone and permit various communications between the cellular phones including controlling other functions of a slave or master device. Hence applicant's amended/unamended claims do not overcome the prior arts of record. The amendment to the claims necessitated the new ground(s) of rejection discussed below.

This office action is non-final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15, 17, 28, 36, 44, 53, 63, 74, 86, 92, 94-98, 103-126, 131-143 and 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hind et al (6,772,331)** in view of **Ellis et al (2005/0028208)**.

As to claim 1, note the **Hind** reference figures 1-6, discloses method and apparatus for exclusively pairing wireless devices and further discloses a method comprising:

Authenticating of a second mobile terminal with a first mobile terminal, the first mobile terminal having a plurality of functions, which are controlled by a controller (figs. 1-6, col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42);

Receiving inhibit rule data to the first mobile terminal via wireless interface (col.12, lines 20-42);

Inhibiting certain function(s) of the first mobile terminal according to the transmitted inhibit rule data so that the function(s) are no longer operable by the controller, the inhibiting being performed based on the transmitted inhibit rule data without being based on additionally provided data received by the second mobile terminal from one of a third device and a content source (col.12, lines 20-42 and line 63-col.13, line 43).

Hind discloses authentication process between a first mobile terminal and a second mobile terminal, as illustrated in various embodiments in figs.1-6 (col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42), but silent to inhibiting certain functions of the first mobile so that the functions are no longer operable and further is silent as to where the second device is a mobile phone.

However, Hind discloses in figure 3, notebook computers (NBCs), phones, etc., where these devices establishes secured wireless communication with each other using cellular modems or other wireless transceiver interfaces to communicate (LAN or WAN). Hence it would have been obvious to one skill in the art at the time of the invention to modify the system of Hind to established communication between pairs of NBCs, Phones, etc., where one authenticates the other to provide a secure network.

As to one device inhibiting some functions of the other device, **Ellis** discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 (PC, notebook PC, palmtop, handheld, touch screen remote, etc.,) transmits

parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]). Ellis further discloses that the Ra-24 includes communication link 19, i.e., serial port, parallel port, modem (analog or digital, cellular modem, cable modem, etc., ([0086]) and further discloses that Ra-24, includes voice processor and speaker, etc., (features of a cellular phone, see ([0092], [0108-0109], [0114], [0122] and [0127])). Hence it would have been obvious to one skill in the art at the time of the invention to modify the system of Hind with the teaching of Ellis to provide a second mobile phone and permit various communications between the cellular phones including to restricting some functions of the device and limit the user to only permitted functions based on the parental control settings.

As to claim 2, Hind further discloses where the first mobile is able to execute software programs and where the functions comprise an executable software program or a part (col.9, lines 16-61 and col.12, lines 20-42).

As to claims 3-4, Hind further discloses where the mobile terminal comprises a content server and the second mobile terminal corresponding client and the content and client are employed for transmission of the inhibit rule data (col.4, lines 4-51, col.9, lines 16-61 and col.12, lines 20-42).

As to claim 5, Hind further discloses where the content server uses HTML, XHTML, XML or WML (col.7, line 46-col.8, line 12).

As to claims 6-7, Hind teaches where the wireless interface is a Bluetooth (BT) interface and employing HTTP over BT and/or TCP/IP and/or wireless application

protocol over BT (col.1, line 38-col.2, line 22, col.4, line 4-28, col.7, lines 1-13 and lines 47-58)

As to claim 8, Hind further discloses where a secured communication link is established between the second mobile terminal and the first mobile terminal (col.7, line 1-38).

As to claim 9, **Hind** further discloses in figures 1-2, 5 and 6, a method comprising:

Authenticating of a mobile remote control by a mobile terminal, the mobile phone having a plurality of functions, which are controlled by a controller (figs.1, 2, 5, co.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42);

Receiving inhibit rule data to the mobile remote control to the mobile phone via a wireless interface (col.12, lines 20-42);

Inhibiting certain function(s) of the mobile phone according to the transmitted inhibit rule data and where a Bluetooth link key generated from a passkey is used for authenticating the mobile terminal (col.9, lines 16-61, col.10, lines 30-56 and col.12, lines 20-42).

Hind discloses authentication process between a first mobile terminal and a second mobile terminal, as illustrated in various embodiments in figs.1-6 (col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42), but silent to inhibiting certain functions of the first mobile so that the functions are no longer operable and further is silent as to where the second device is a mobile phone.

However, Hind discloses in figure 3, notebook computers (NBCs), phones, etc., where these devices establish secured wireless communication with each other using cellular modems or other wireless transceiver interfaces to communicate (LAN or WAN). Hence it would have been obvious to one skilled in the art at the time of the invention to modify the system of Hind to establish communication between pairs of NBCs, Phones, etc., where one authenticates the other to provide a secure network.

As to one device inhibiting some functions of the other device, Ellis discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 (PC, notebook PC, palmtop, handheld, touch screen remote, etc.,) transmits parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]). Ellis further discloses that the Ra-24 includes communication link 19, i.e., serial port, parallel port, modem (analog or digital, cellular modem, cable modem, etc., ([0086]) and further discloses that Ra-24, includes voice processor and speaker, etc., (features of a cellular phone, see ([0092], [0108-0109], [0114], [0122] and [0127])). Hence it would have been obvious to one skilled in the art at the time of the invention to modify the system of Hind with the teaching of Ellis to provide a second mobile phone and permit various communications between the cellular phones including to restricting some functions of the device and limit the user to only permitted functions based on the parental control settings.

As to claims 10-15, Hind fails to teach where the inhibit rule data comprises a predetermined access time, a predetermined period of time, a predetermined number of

accesses, identification, classification code and cost information and where the first mobile terminal retransmits data concerning the use of the functions of first mobile terminal and the use of some types of content.

However, Ellis further discloses where the parental control data comprises a predetermined access time, a predetermined period of time, a predetermined number of accesses, identification, classification code and cost information and where the first mobile terminal retransmits data concerning the use of the functions of first mobile terminal where the use of functions includes the user of PPV, games, shopping, internet services, etc., (page 8, [0099-0104, [0107-0108] and 0119-0122]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Hind in order to restrict some functions of the device and limit the user to only permitted functions based on the parental control settings and further administer all the various possible parental settings to control the received content and retrieved desirable content accordingly.

Claim 17 is met as previously discussed with respect to claim 5.

Claim 28 is met as previously discussed with respect to claim 9.

Claims 36, 44, 53, 63, 74 and 86 are met as previously discussed with respect to claims 10-15.

Claim 92 is met as previously discussed with respect to claim 9.

Claims 94-97 are met as previously discussed with respect to claims 10-15.

As to claim 98, Hind further discloses a third device and transmitting data records to a third device, but fails to explicitly teach transmitting data concerning the use of functions, which is met as previously discussed with respect to claims 10-15.

As to claims 103-104, **Hind** further discloses in figures 1-6, a first mobile phone configured to perform functions, the first mobile phone comprising:

A functional Unit (inherent to the Mobile phone 'MPs' see figs.1-6); A controller (Processor of MPs) configured to communicate with the functional unit for controlling functions that can be performed by the functional unit (col.7, lines 30-39, col.9, lines 16-61, col.12, lines 20-42 and line 53-col.13, line 43);

A wireless interface configured to communicate with a second mobile phone, the second mobile phone (col.7, lines 30-39, col.9, lines 16-61, col.12, lines 20-42 and line 53-col.13, line 43); where the controller is configured to:

Authenticate the second terminal; process inhibit rule data received from the second mobile terminal via the wireless interface (col.12, lines 20-42 and line 63-col.13, line 43).

Hind discloses authentication process between a first mobile terminal and a second mobile terminal, as illustrated in various embodiments in figs.1-6 (col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42), but silent to inhibiting certain functions of the first mobile so that the functions are no longer operable and further is silent as to where the second device is a mobile phone.

However, Hind discloses in figure 3, notebook computers (NBCs), phones, etc., where these devices establishes secured wireless communication with each other

using cellular modems or other wireless transceiver interfaces to communicate (LAN or WAN). Hence it would have been obvious to one skill in the art at the time of the invention to modify the system of Hind to established communication between pairs of NBCs, Phones, etc., where one authenticates the other to provide a secure network.

As to one device inhibiting some functions of the other device, **Ellis** discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 (PC, notebook PC, palmtop, handheld, touch screen remote, etc.,) transmits parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]). Ellis further discloses that the Ra-24 includes communication link 19, i.e., serial port, parallel port, modem (analog or digital, cellular modem, cable modem, etc., ([0086]) and further discloses that Ra-24, includes voice processor and speaker, etc., (features of a cellular phone, see ([0092], [0108-0109], [0114], [0122] and [0127])). Hence it would have been obvious to one skill in the art at the time of the invention to modify the system of Hind with the teaching of Ellis to provide a second mobile phone and permit various communications between the cellular phones including to restricting some functions of the device and limit the user to only permitted functions based on the parental control settings.

Claim 105 is met as previously discussed with respect to claims 10-15.

Claim 106 is met as previously discussed with respect to claim 98.

Claims 107-109 are met as previously discussed with respect to claims 10-15.

Claims 110-113 are met as previously discussed with respect to claims 5-8.

Claims 114-119 are met as previously discussed with respect to claims 10-15.

Claim 120 is met as previously discussed with respect to claim 5.

Claim 121 is met as previously discussed with respect to claim 9.

Claim 122 are met as previously discussed with respect to claims 10-15.

Claim 131 is met as previously discussed with respect to claim 1.

As to claim 132, the claimed "One or more computer readable media..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 133 is met as previously discussed with respect to claim 5.

Claim 134 is met as previously discussed with respect to claim 7.

Claim 135 is met as previously discussed with respect to claim 1.

Claims 136-140 are met as previously discussed with respect to claims 10-15.

Claim 141 is met as previously discussed with respect to claim 1.

Claim 142 is met as previously discussed with respect to claim 9.

Claim 143 is met as previously discussed with respect to claim 10-15.

As to claim 148, the claimed "A first mobile phone..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

5. Claims 99-102, 127-130 and 144-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hind et al (6,772,331)** in view of **Ellis et al (2005/0028208)** as applied to claim 96, 119 and 141 above, and further in view of **Steele et al (6,564,047)**.

As to claims 99-102, Hind as modified by Ellis, fail to explicitly teach where the mobile telephone data concerns the use of functions including telephone usage data, total number of calls, duration of phone calls, where the usage includes text messaging usage information and number of text messages sent from the mobile telephone.

However, note the **Steete** reference figures 1-4, discloses advanced air-time management and further discloses usage management of cellular telephones, including including telephone usage data, total number of calls, duration of phone calls, where the usage includes text messaging usage information and number of text messages sent from the mobile telephone (col.2, line 48-col.3, line 32, col.4, line 42-col.6, line 1+, col.7, line 26-col.8, line 49 and line 53-col.9, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Steete into the system of Hind as modified by Ellis to monitor the mobile terminal with respect to telephone usage and billing users according based on their phone usage.

Claims 127-130 are met as previously discussed with respect to claims 99-102.

Claims 144-147 are met as previously discussed with respect to claims 99-102.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yukie et al (6,956,833) disclose method, system and devices for wireless data storage on a server and data retrieval.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang

